

Issued January 28, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 715, FOOD AND DRUGS ACT.

MISBRANDING OF A PRODUCT CALLED "HAIR GROWER."

On or about February 25, 1909, Mrs. Gervaise Graham, Chicago, Ill., shipped from the State of Illinois into the State of Tennessee a consignment of a drug product labeled as follows: (On bottle) "Mrs. Gervaise Graham's Cactico Hair Grower. Will produce hair on bald Heads. Stops falling of the hair, keeps the scalp healthy." (Blown in side of bottle) "Mrs. Graham's preparations are pure and harmless. Mrs. Gervaise Graham, Beauty Doctor, Chicago and San Francisco." (On carton) "Mrs. Gervaise Graham, Cactico Hair Grower, 5 per cent alcohol, and manufacturer of celebrated cosmetics, Chicago, Illinois. For sale by all leading druggists." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to contain alcohol 4.38 per cent by weight and 5.58 per cent by volume, borax 0.35 per cent, glycerin 6.79 per cent, water 88.48 per cent, and capsicum present. As the above analysis and report thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Mrs. Gervaise Graham and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Northern District of Illinois against the said Mrs. Gervaise Graham, charging the above shipment and alleging that the product so shipped was misbranded, in that the label bore a statement, design, and device regarding such article and the ingredients and substances contained therein, which was false and misleading; in that the label stated that the product contained 5 per cent alcohol, whereas, in truth and in fact, it contained more than 5 per cent alcohol, to wit 5.58 per cent alcohol; and in that the label bore statements, designs, and devices regarding such article, to wit, "will produce hair on bald heads," and "stops falling of the hair," which said statements are false and misleading, in that

the product would not produce hair on bald heads, and would not stop falling of the hair. The defendant entered a plea of guilty to the above information, and the court imposed a fine of \$50 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *December 13, 1910.*

